

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JUAN GONZALEZ,

Civil Action No.:

Plaintiff,

NOTICE OF REMOVAL

v.

RAYMOND A. STEVES, LEROY
HOLDING COMPANY, LAPELL'S
TRUCKING INCORPORATED, JOHN
DOES 1-10 and ABC CORPORATIONS 1-
10,

Defendants.

TO THE CLERK OF THE ABOVE ENTITLED COURT

PLEASE TAKE NOTICE, pursuant to 28 U.S.C. §1441, Defendants, RAYMOND A. STEVES, LEROY HOLDINGS INCORPORATED (i/s/a Leroy Holding Company) and C & D LOGISTICS d/b/a LaPell's Trucking Incorporated (i/s/a Lapell's Trucking Incorporated), file this Notice of Removal of the civil case styled JUAN GONZALEZ v. RAYMOND A. STEVES, LEROY HOLDING COMPANY, LAPELL'S TRUCKING INCORPORATED, JOHN DOES 1-10 and ABC CORPORATIONS 1-10, Docket No. MID-L-1890-22, pending in the Superior Court of New Jersey, Law Division, Middlesex County. Removal to this Court is proper for the reasons set forth below:

1. On April 19, 2022, Plaintiff, JUAN GONZALEZ (hereinafter referred to as the “Plaintiff”), filed a Complaint in the Superior Court of New Jersey, Law Division, Middlesex County, against Defendants, RAYMOND A. STEVES, LEROY HOLDINGS INCORPORATED (i/s/a Leroy Holding Company) and C & D LOGISTICS d/b/a LaPell’s Trucking Incorporated (i/s/a Lapell’s Trucking Incorporated) (hereinafter referred to as “Defendants”) captioned JUAN GONZALEZ v. RAYMOND A. STEVES, LEROY HOLDING COMPANY, LAPELL’S TRUCKING INCORPORATED, JOHN DOES 1-10 and ABC CORPORATIONS 1-10, Docket No. MID-L-001890-22. **See Exhibit A, Plaintiff’s Complaint.**

2. Plaintiff’s Complaint alleges damages arising out of a December 3, 2021 motor vehicle accident wherein Plaintiff, Juan Gonzalez, allegedly sustained severe and permanent injuries as a result thereof. **See Exhibit A, Plaintiff’s Complaint.**

3. Defendant, C & D LOGISTICS d/b/a LaPell’s Trucking Incorporated (i/s/a Lapell’s Trucking Incorporated), received the Summons and Complaint on April 25, 2022.

4. This action, JUAN GONZALEZ v. RAYMOND A. STEVES, LEROY HOLDING COMPANY, LAPELL’S TRUCKING INCORPORATED, JOHN DOES 1-10 and ABC CORPORATIONS 1-10, Docket No. MID-L-001890-22, is a

civil matter in which this Court has original jurisdiction under 28 U.S.C. §1332(a), and is one which may be removed to this Court pursuant to 28 U.S.C. §1441(a).

5. This civil action is between citizens of different states, and based upon the facts known to date, Plaintiff seeks damages in excess of \$75,000 exclusive of interests and costs.

6. Specifically, Plaintiff's counsel has advised that Plaintiff sustained a fracture of the Thoracic spine, fractured ribs, a subdural hematoma, and soft tissue injuries to the neck and back, for which his workers' compensation insurer – The Charter Oak Fire Insurance Company, has paid approximately \$109,000.00 in medical bills, and for which it is asserting a lien.

7. Plaintiff, Juan Gonzalez, resides at 33 Storms Avenue, Haskell, New Jersey. **See Exhibit A, Plaintiff's Complaint.**

8. Defendant, RAYMOND A. STEVES, resides at 143 Ryder Road, Whitehall, New York. **See Exhibit A, Plaintiff's Complaint.**

9. Defendant, LEROY HOLDINGS INCORPORATED (i/s/a Leroy Holding Company), is a New York private corporation with its principal place of business located at 26 Main Street, Albany, New York. **See Exhibit A, Plaintiff's Complaint.**

10. Defendant, C & D LOGISTICS d/b/a LaPell's Trucking Incorporated (i/s/a Lapell's Trucking Incorporated), is a New York private corporation with its

principal place of business located at 1750 Call Street, Lake Luzrene, New York.

See Exhibit A, Plaintiff's Complaint.

11. This Notice is filed with the Court within thirty (30) days of Defendants' receipt "through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based" as provided by 28 U.S.C. Section 1446(b).

12. Pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), this Notice of Removal is filed in the District and Division within which the civil action is pending, the United States District Court, District of New Jersey.

13. Pursuant to 28 U.S.C. §1446(d), Defendants will give notice promptly to all parties of record and to the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County. Attached hereto as **Exhibit B** is the Notice to the Clerk for the Superior Court of New Jersey, Law Division, Middlesex County that will be filed in that court.

14. Attached to this Notice of Removal as **Exhibit A**, is a true and accurate copy of all pleadings served upon and/or provided to these Defendants in this action.

WHEREFORE, please take notice that this cause should proceed in the United States District Court for the District of New Jersey, as an action properly removed thereto.

PLEASE TAKE FURTHER NOTICE that Defendants, upon filing the Notice of Removal in the Office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County at Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey 08903, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1441.

Dated: May 24, 2022

/s/ James P. Ricciardi, Jr.

James P. Ricciardi, Jr.
FLEISCHNER POTASH LLP
Concord Center
Building 1, Suite 108
1301 Highway 36
Hazlet, New Jersey 07730
(732) 530-7787
Our File No.: 465-23497
Attorneys for Defendants